

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.:
Date Purchased:
SUMMONS

34338/2018E
12-19-18

CATHERINE BOSTON,

Plaintiff,

- against -

J.C. PENNEY CORPORATION, INC.,

Defendant.

Plaintiff designates Bronx
County as the place of trial.

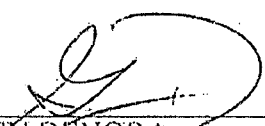
The basis of venue is:
CPLR 503(a)

Plaintiff resides at:
250 East 113th Street
New York, NY 10029
County of New York

To the above named Defendant:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Staten Island, New York
December 19, 2018


GLEN DEVORA
JONATHAN D'AGOSTINO & ASSOCIATES, P.C.
Attorneys for Plaintiff
3309 Richmond Avenue
Staten Island, New York 10312
718-967-1600
Our File No. Q19797-P170907

TO: J.C. PENNEY CORPORATION, INC.
100 Baychester Avenue
Bronx, NY 10029
c/o Secretary of State

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
CATHERINE BOSTON,

Plaintiff,

- against -

J.C. PENNEY CORPORATION, INC.,

Defendant.
-----X

Index No.: 34338/2018E

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VERIFIED COMPLAINT

Plaintiff, by her attorneys, JONATHAN D'AGOSTINO & ASSOCIATES, P.C., complaining of the Defendant, respectfully alleges, upon information and belief:

1. That at the time of the commencement of this action, Plaintiff resided in the County of New York, State of New York.
2. That at all times herein mentioned, Defendant J.C. PENNEY CORPORATION, INC. maintained a residence in the County of Bronx, State of New York.
3. That at all times herein mentioned, Defendant J.C. PENNEY CORPORATION, INC. maintained a residence in the County of Suffolk, State of New York.
4. At all times herein mentioned, a substantial part of the events or omissions giving rise to the claim occurred in the County of Bronx.
5. That the cause of action alleged herein arose in the County of Bronx, City and State of New York.
6. That this action falls within one or more of the exemptions set forth in CPLR §1602.
7. That at all times herein mentioned, Defendant J.C. PENNEY CORPORATION, INC. was, and still is, a domestic business corporation duly organized and existing under and by virtue of the laws of the State of New York having a place of business in New York.
8. That at all times herein mentioned, Defendant J.C. PENNEY CORPORATION, INC. was, and still is, a foreign business corporation duly organized and existing under and by virtue of the laws of the State of New York having a place of business in New York.

9. That at all times herein mentioned, Defendant J.C. PENNEY CORPORATION, INC. owned 100 Baychester Avenue, Bronx, New York.

10. That at all times herein mentioned, the aforesaid premises were operated by Defendant J.C. PENNEY CORPORATION, INC.

11. That at all times herein mentioned, the aforesaid premises were managed by Defendant J.C. PENNEY CORPORATION, INC.

12. That at all times herein mentioned, the aforesaid premises were controlled by Defendant J.C. PENNEY CORPORATION, INC.

13. That at all times herein mentioned, the aforesaid premises were maintained by Defendant J.C. PENNEY CORPORATION, INC.

14. That at all times hereinafter mentioned, Defendant J.C. PENNEY CORPORATION, INC. repaired the aforesaid premises.

15. That on July 9, 2017, while Plaintiff was lawfully at the aforesaid location, Plaintiff was caused to slip and fall sustain severe and permanent injuries.

16. The above mentioned occurrence, and the results thereof, were caused by the negligence of the Defendant and/or said Defendant's agents, servants, employees and/or licensees in the ownership, operation, management, maintenance and control of the aforesaid premises.

17. That no negligence on the part of the Plaintiff contributed to the occurrence alleged herein in any manner whatsoever.


18. That because of the above stated premises, Plaintiff CATHERINE BOSTON was caused to sustain serious injuries and to have suffered pain; that these injuries and their effects will be permanent; and as a result of said injuries Plaintiff has been caused to incur, and will continue to incur, expenses for medical care and attention; and, as a further result, Plaintiff was, and will continue to be, rendered unable to perform Plaintiff's normal activities and duties and has sustained a resultant loss therefrom.

19. That by reason of the foregoing, Plaintiff CATHERINE BOSTON was damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against the Defendant herein in an amount which

exceeds the jurisdictional limits of the lower courts; altogether with the costs, interest and disbursements of this action:

Dated: Staten Island, New York
December 19, 2018



GLEN DEVORA
JONATHAN D'AGOSTINO & ASSOCIATES, P.C.
Attorneys for Plaintiff
3309 Richmond Avenue
Staten Island, New York 10312
718-967-1600
Our File No. Q19797-P170907


ATTORNEY'S VERIFICATION BY AFFIRMATION

GLEN DEVORA, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at JONATHAN D'AGOSTINO & ASSOCIATES, P.C., attorneys of record for Plaintiff(s), **CATHERINE BOSTON**. I have read the annexed **COMPLAINT** and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

I make the foregoing affirmation because Plaintiff(s) is/are not presently in the county wherein I maintain my offices.

DATED: Staten Island, New York
 December 19, 2018



GLEN DEVORA

Index No. 34338/2018E
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

CATHERINE BOSTON,

Plaintiff(s),

-against-

J.C. PENNEY CORPORATION, INC.,

Defendant(s).

SUMMONS AND VERIFIED COMPLAINT

Jonathan D'Agostino & Associates, P.C.
Attorneys for PLAINTIFF
3309 Richmond Avenue
Staten Island, NY 10312
(718) 967-1600

TO:

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF Bronx**

-----X
Catherine Boston

Plaintiff/Petitioner,

- against -

Index No. 34338/2018E

J.C. Penney Corporation, Inc.

Defendant/Respondent.
-----X

**NOTICE OF ELECTRONIC FILING
(Mandatory Case)
(Uniform Rule § 202.5-bb)**

You have received this Notice because:

- 1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and
- 2) You are a Defendant/Respondent (a party) in this case.

• **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

• **If you are not represented by an attorney:**

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The benefits of participating in e-filing include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- visit: www.nycourts.gov/efile-unrepresented or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

To find legal information to help you represent yourself visit www.nycourthelp.gov.

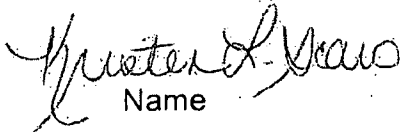
**Information for Attorneys
(E-filing is Mandatory for Attorneys)**

An attorney representing a party who is served with this notice must either:

- 1) immediately record his or her representation within the e-filed matter on the NYSCEF site www.nycourts.gov/efile ; or
- 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

Dated: 12/19/18


Name

Address

Firm Name

**JONATHAN D'AGOSTINO &
ASSOCIATES**

**3309 Richmond Avenue
Staten Island, New York 10312**

718-967-1600

Phone

gdevora@daglawteam.com

E-Mail

To: _____

6/6/18